

AMENDED IN ASSEMBLY MAY 9, 2012
AMENDED IN ASSEMBLY FEBRUARY 23, 2012
AMENDED IN ASSEMBLY JUNE 29, 2011
AMENDED IN SENATE MAY 31, 2011
AMENDED IN SENATE MAY 9, 2011
AMENDED IN SENATE APRIL 25, 2011
AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 628

Introduced by Senator Yee

February 18, 2011

An act to add Section 4936 to the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 628, as amended, Yee. Acupuncture: regulation.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license. The unlawful practice of acupuncture and any other violation of the act is a crime.

This bill would ~~authorize a person with a current and valid license to practice acupuncture to use the title of acupuncturist. The bill would authorize such a person to use the title of Doctor of Acupuncture, as specified, only if he or she has met certain educational requirements;~~

~~thereby imposing a state-mandated local program~~ *make it unprofessional conduct for an acupuncturist to use the title of “Doctor” or use the abbreviation “Dr.” in connection with the practice of acupuncture unless he or she holds a degree that is approved by the board for the use of that title. This bill would also make it unprofessional conduct for an acupuncturist to use the title “Doctor” or use the abbreviation “Dr.” without indicating the type of license or certificate that entitles him or her to use that title.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4936 is added to the Business and
2 Professions Code, to read:

3 4936. (a) *It is unprofessional conduct for an acupuncturist to*
4 *use the title “Doctor” or the abbreviation “Dr.” in connection*
5 *with the practice of acupuncture unless he or she possesses a*
6 *license or certificate that authorizes the use or possesses an earned*
7 *doctorate degree from an accredited, approved, or authorized*
8 *educational institution as set forth under Article 3.5 (commencing*
9 *with Section 94760) of Chapter 7 of Part 59 of Division 10 of the*
10 *Education Code, which is in acupuncture, Oriental medicine, a*
11 *biological science, or is otherwise related to the authorized*
12 *practice of an acupuncturist as set forth in Sections 4927 and 4937.*

13 (b) *The use of the title “Doctor” or the abbreviation “Dr.” by*
14 *an acupuncturist as authorized above without further indicating*
15 *the type of license, certificate, or degree which authorizes that*
16 *use, constitutes unprofessional conduct.*

17 ~~SECTION 1. Section 4936 is added to the Business and~~
18 ~~Professions Code, to read:~~

19 ~~4936. (a) A person holding a license as an acupuncturist issued~~
20 ~~by the board may use the title “acupuncturist” or any other words,~~
21 ~~letters, or figures that indicate that the person using the title is a~~

1 licensed acupuncturist. No other person shall be so designated or
2 shall use the term licensed or registered acupuncturist.

3 (b) A licensed acupuncturist who has received a doctoral degree
4 relating to acupuncture or traditional Asian medicine may do both
5 of the following:

6 (1) In a written communication, use the term Doctor of
7 Acupuncture following the licensee's name or use the title "Doctor"
8 or the abbreviation "Dr." preceding the licensee's name if the
9 licensee's name is immediately followed by an unabbreviated
10 specification of the applicable doctoral degree held by the licensee.

11 (2) In a spoken communication while engaged in the practice
12 of acupuncture, use the title "doctor" preceding the person's name
13 if the speaker specifies that he or she is a Doctor of Acupuncture.

14 (c) A doctoral degree described in subdivision (b) shall be
15 granted by an institution that is recognized or approved by an
16 accrediting agency that is recognized by the United States
17 Department of Education.

18 (d) The board shall define, by regulation, the doctoral degrees
19 that are in a field related to acupuncture or traditional Asian
20 medicine for purposes of subdivision (b).

21 (e) An acupuncturist shall not hold himself or herself out as a
22 physician and surgeon to the patient.

23 (f) A licensed acupuncturist or a person who qualifies as a
24 Doctor of Acupuncture shall comply with the provisions of Section
25 680.5.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.